

1884-0116 Chancery Causes: William Gillenwaters + wife vs. Thomas Eads to  
Lee Co.

Parrott, Noe, Eads, Ball, Ely

1 Plat

CA-Estate Dispute  
T-Property

-Deed



To the Honorable John A. Kelly Judge of  
the Circuit Court of Lee County

Your Complainants, Wm Gillenwaters  
and Mary Gillenwaters his wife humbly  
complaining sheweth unto your Honor,  
that your female Complainant is the  
daughter of the late Charles W. Roe, now  
deceased; that she first intermarried  
with one Walker Parratt, who is now also  
deceased; that her said father in his life-  
time, and in the lifetime of her former hus-  
band, undertook to and did advance  
several of his children in life among  
whom your female Complainant was one  
Accordingly on the 15<sup>th</sup> day of August 1861  
her said father, made & executed a deed  
to your female Complainant, for a certain  
tract or parcel of land situated in Lee County  
Virginia & properly described by a copy of  
a deed form filed herewith as part two of  
marked "A" - Your Complainants state that  
while the said Charles Roe in fact was en-  
deavoring to convey said land, to your female  
Complainant, the deed was written to the  
said "Walker Parratt and Mary Parratt his wife"  
thus conveying said land jointly to the said  
Walker Parratt and your female Complainant  
This deed was acknowledged and delivered to



said Walker Parratt, who was charged with  
the duty of having the same recorded; He took  
said deed, and erased or blotted out every  
trace of your female Complainant's name  
whenever it occurred, in the deed and cer-  
tificate of acknowledgement, thus making  
it read to him ~~the~~ said Walker Parratt alone,  
and in that form had the same recorded.  
as fully appears by the copy heretofore re-  
ferred to. Of this fact your female Complain-  
ant remained in utter ignorance until her  
subsequent marriage with the male Com-  
plainant; all the time sister living upon or  
having full possession and control of said  
lands & premises - and was only made cog-  
nizant of <sup>the</sup> actual language of the said deed  
by the following circumstances. The said  
Walker, left at the time of his death, three  
children his heirs at law, the children also  
of your female plff, viz: Charles Wood Parratt,  
Walker Parratt, and Newton Parratt; the said  
Walker ~~Charles~~ still being an infant under  
21 years of age - When Newton the elder of the  
three began to approach manhood, instigated  
by the advice of some one, he began to lay  
claim in fee to the land, and soon sold  
his interest to one Thomas Eads, and the other  
two have now sold theirs also. but whether



or not they have all conveyed is not known to your complainant, Newton & Charles Ford have and have no further interest therein but, Walker being an infant - could not legally convey and still as your complainant, are advised have an interest. When these claims were set up your exatix was surprised to learn the Condition of said deed.

Your complainant, alleges that Walker Parrott changed & altered said deed, that the same as written & acknowledged was a joint deed to your female complainant and the said Walker Parrott, that Thomas Eads had full knowledge of that fact when he purchased from the said heirs; and that said alteration was made to defraud & cheat your female complainant out of her half of said lands. Your complainant are advised that your female complainant is entitled to one half in fee of said tract or parcel of lands, and to dower in the other half; But if mistaken in this that she is in any event entitled to dower in the whole tract which has never been assigned to her.

The object of this bill therefore is to have the said deed purporting to be executed to Walker Parrott set aside held for naught and counted void, and that the deed as



made executed and acknowledged by C. H.  
Stoe to "Walker Parrott & Mary his wife"  
Your female Complainant, he set up and es-  
tablished as due to said lands that one  
half thereof be assigned and set apart for  
Your female Complainant in fee, and that  
clover be assigned her in the other half: But  
if anyway mistaken in this that clover  
be assigned her in such of said lands  
as she is entitled to, and such decrees or orders  
entered as equity demands.

The prayer of Your Complainant therefore  
is that Thomas Eads and Walker Parrott be  
made parties defendants to this bill and  
answer its allegations on oath, as fully  
and particularly as if put by way of  
and that a guardian ad litem be appointed for the said Walker Parrott & Mary  
special interrogatories: And for all other further  
and general relief, May supra issue &c.

A. L. Pindemore P. q.



J. A. L. P.

William Gillenwater wife

vs <sup>3</sup>/<sub>8</sub> Bill Chy.

Thomas Eads et al

Exhibit Filed A

1881. Dec. Rules Bill Filed

" Jan. Spc not Executed

alids awarded

1882. Jan. Rules, Spc Executed on

Defts & J. D. Hill

" Feb. V. A. Conflict set for

hearing by Piffs.

1882 Mr. continued

" Aug. continued

1882 Nov. continued

1883. Mr. Dec. & cont'd

" Aug. " "

(July 6-93)

Relief to Jan 1 1884 \$8.34

by A. L. fee to Hyatt 5.00

Add for clk 3.34

\$ 3.70

Witnesses 3.34

Comur 5.00

J. P. .95-

Atty 15.00

Geo. L. 5.00

Comurs in Jan. 5.00

\$50.32

31.89

\$18.43



To the Honorable John McKelley Judge  
of the Circuit Court of Lee County Va

The separate answer of Thomas Edgels  
to a bill filed against him and another in  
This Honorable Court by William Gillman  
and Mary his wife.

This respondent saving the benefit of  
all exceptions objections and imperfections  
in or to the Complainants bill, for answer  
thereto, or to so much thereof as he is advised  
it is material or necessary for him to answer  
Answering says, That he supposes it to be true  
that the said female Plaintiff is the daughter  
of the late Charles W. Noe, he likewise supposes  
that it is true that she first intermarried with  
the said Walter Parrott, It is also true that the  
said Parrott is dead. As to advancements  
made by the said Charles W. Noe in his lifetime  
to his children your respondent knows  
nothing, he might have done so or he might  
not, but if he did, the party or parties claim-  
ing an interest therein, or to be benefited  
thereby can he supposes prove the facts, Re-  
spondent therefore requires strict proof by  
the Plaintiffs of this allegation of their bill  
And as to whether the said Charles W. Noe ever  
advanced the female defendant, is matter  
of which this respondent has no knowledge  
whatever, It is a matter with which respondent



deed had no interest, But he denies that the tract of land sold and conveyed by Charles W. Nor to Walker Parrott in his lifetime was an advancement to his then wife the said Mary, or if it was so this respondent has not now, and never had any knowledge of it.

On the 12<sup>th</sup> day of August 1861. the said Charles W. Nor by his deed made on that day sold and conveyed a tract of land situated in this Lee County to the said Walker Parrott as appears by said deed now of record in the Clerk's Office of the County Court of Lee County, Virginia a copy of which is filed by the Plaintiffs with this bill marked (A) to which copy reference is here made, as part of this answer. As to what the said Charles W. Nor intended or endeavored to do by that deed respondent does not know, has no means of knowing further than he can learn from the face of the deed itself as it appears on the record. It is very plain and explicit, easily understood and not difficult of construction being, as it is, an absolute conveyance in fee simple to Walker Parrott & his heirs. And respondent denies that said deed was ever intended as anything else than what it purports to be, he denies that said deed was ever written in any other form



than that in which it now appears, he further denies that said Walker Parrott ever altered changed or obliterated said deed or any part thereof in any way, or by any means he further denies that said Walker Parrott ever erased the name of the said Female Plaintiff either from said deed or from the certificates or certificate of acknowledgment made thereon by the Justices before whom said deed was acknowledged he denies that said female plaintiff has now or ever had a joint interest in said land, or any other interest save and except such as the law vests her with as the wife or widow of the said Walker Parrott, That of course only, Respondent admits that said Walker Parrott left three children his sons and heirs to whom said lands descended, He further admits that he has purchased the interest of the said Newton Parrott and he the said Newton has conveyed his interest in said land to respondent, he has also purchased the interest of the said Charles Wood Parrott and took his title bond for a conveyance, and that he has contracted with the said Walker the infant for his interest which contract is not to be consummated until the said Walker attains his majority, of course



the said Walker still has an interest as it re-  
mains for him to either confirm or disaffirm  
said contract when he attains his majority.  
Respondent positively denies any knowledge  
at the time of his purchase from the said  
Newton & Charles and each of them, of any  
~~interest~~ interest ~~in the land~~ claimed  
by the said female plaintiff in said land  
save and except her right of dower.

Respondent has fully paid the said Newton  
for his share in said land which payment  
was made more than 2 years ago and  
he had paid the said Charles all but  
\$60. long before the institution of this suit.  
Respondent further alleges that both the  
Plaintiffs had knowledge before the sale  
to him that the two boys were trying to sell  
their interest in said land, and if either  
of them ever objected to it or in any way  
tried to prevent it respondent never  
heard of it, in fact respondent has been  
informed and he believes and here asserts  
that the Male Plaintiff himself tried to buy  
said shares from both the said Newton  
and the said Charles. However this may  
be respondent charges them with notice  
that he was going to purchase, that he  
had purchased and he positively denies



1  
That said plaintiffs or either of them were  
in any way objected to his, paying for said  
land or warned him not to, pay for it  
although they were living in 4 or 5 miles  
of respondent at the time of the said  
transaction. Respondent is advised  
that if the plaintiffs had claim to said  
land or an interest in it that it was their  
duty knowing he had purchased to warn  
him of this claim and not stand by  
as an innocent purchaser, for a valuable  
consideration paid with his money, for  
something which they claimed and then  
afterwards come into a court of equity to  
take <sup>him</sup> from the subject which they stood by  
and saw him pay for, without warning.

Respondent denies that said female Plaintiff  
is entitled to one half of said land in fee.  
Her right of dower in said land has never  
been denied, in fact she lived on occupied  
and enjoyed said land the whole of it, for a  
number of years after the death of her hus-  
band, who was killed during the war, and  
from that time up to some 8 or 10 years ago she  
as above stated lived on said land enjoying  
the whole of it, and when she left it she did  
so voluntarily, and then after her marriage  
with her present husband she again moved  
on to said land and remained there on



years when she said her husband again  
voluntarily abandoned and moved away  
from said land, That she does not now  
enjoy by actual occupancy her dower inter-  
est in said land is her own fault, first  
so before stated dower has never been denied  
her, and in fact respondent understands  
and here asserts that she has been all  
the while getting the rents and profits  
of said land, and dower never having  
been denied, it being her fault, caused  
by her moving into the state of Tennessee  
That it has not been assigned her, Respon-  
dent thinks that it will be wrong in the  
assignment of dower to make him in  
any costs ~~in the assignment of dower~~  
which she asks in this bill, it being very  
evident that the claim of dower set up  
in the bill is only used as a cover for  
the other and greater claim, in other  
words she asserts an unjust claim in  
which she feels confident she will be de-  
feated and joins with it and never denied  
her to save costs.

Your Respondent here states that that  
the said Walter Porroil died sometime  
before the year 1865. That said deed  
was on record in the Clerk's office



of the County at the time of his death  
That her right to bring an action  
to set aside said deed, if she has now  
or ever had such right, <sup>accrued</sup> at the time of  
his death, as as soon thereafter as the  
Courts were organized after the war, and  
Respondent avers that said Courts were organ-  
ized on or by the 1st day of January 1869,  
at which time or anytime thereafter during  
ten years she might have brought said  
suit but that not having brought <sup>suit</sup> within  
said 10 years, she cannot now bring it  
in other words her right to set aside  
avoid or annul said deed is now barred  
by the statute of limitation, which said  
Statute respondent here claims the benefit  
Respondent is willing that down  
he assigned the said General Plaintiff  
but as before stated he thinks it should be  
at her costs at least so far as he is concerned  
and he will here state that said Tract of  
land adjoins other lands owned by him  
he avers that his share in said land shall  
be laid off adjoining said lands which  
avens can be done without injury to the  
rights of any other person and now  
having avowed he prays to be hence  
dismissed with his costs.

I am ever for Defendant,



Thomas Leeson

and J. J. Leeson,

Wm. Gillenwater's wife

Filed for record March 31<sup>st</sup> 1882

1882, in accordance with the order of the Court, J. P. Leeson, Clerk.

Virginia Lee County, to wit:—

This day Thomas Leeson personally appeared before me the undersigned and made oath in due form that the facts stated in the foregoing answer, from his own knowledge are true, and as stated upon the information derived from others he believes them to be true.

Given under my hand this March 11 1882

J. P. Leeson, Clerk



In the Hon. John A. Kelly, Judge  
of the Circuit Court of Lee County,

The answer of Walter Parrott  
an infant, by J. A. Hyatt his  
Guardian ad litem, to a Bill in  
Chancery filed in your Honor's  
Court, by William Williamson & wife  
against this ward & others, for removal.  
Your Respondent says, that he  
knows nothing of the truth or  
falsity of the allegations in the said  
Bill, and is advised of no defense  
proper or necessary for him to make  
as his son in the said suit, but  
this Court is a Court of Equity and  
such Courts being the peculiar guar-  
ian of the rights and interests of infants  
Your Respondent begs leave to place  
the rights and interests of his ward  
into the hands of your Honor.

Assuming that they will be there  
protected.

J. A. Hyatt

Seen & before me  
March 6/882.

Sean, ad litem

John R. Gibson Clerk  
of the County Court



228  
225  
33

Wm Williamson

Vol 2 of G. A. L.

Chas. Lucas et al

Filed Feb 21 1882

In Chancery

G. A. L. for the  
J. H. H.







William Gillinwater, wq

v3 Decree Final

Thomas Each et al  
March 7. 1884

Entered page 376  
J. C. H. Hyatt  
AK

Enter this  
March 27 1884  
J. C. H. Hyatt  
AK



Wm Gellinwaters and wife *Plffs*

Against

Thomas Dads et al

*seft*

*Juchy*

This cause came on again this day to be heard upon the papers formerly read and the report of ~~H. J. Morgan~~, J. W. On Commissioner filed August 16<sup>th</sup> 1883, and exceptions ~~to~~ and depositions of witnesses - and was argued by Counsel - On consideration whereof and for reasons appearing to the Court, said exceptions are over ruled and the report confirmed and made final - and the Court being of opinion that evidence is not sufficient to sustain the allegations of the *plffs* bill as to the alterations of the deed of C. W. Stoe and wife to the female plaintiff, orders and decrees that the *plff* be barred of any relief upon that branch of her case but being of opinion that she is entitled to dower, in the lands in the bill mentioned it is adjudged orders and decreed that that Eli Davis, Peter P. Tugate, and Com<sup>rs</sup> H. Speak, be and the same are hereby appointed Commissioners whose duty it shall



be to go upon the land in the bill mentioned, formerly belonging to Walter Parrot and lay off and assign to the female plaintiff one third in rental value of said land, and make a plat & report of the same showing the same fully by metes and bounds to this Court - at some future term and the cause is continued.

Wm Gelluwater & wife

vs J. Bee  
Decree

Thomas Eachus et al

Aug 7. 1883

Entered page 336

J. A. H. with  
cert

Enter this  
Sept 4. 1883  
A. A. H.

Chad 19

50  
30  
5.00  
1.50  
1.18  
1.40  
1.78  
60  
5.00  
15.00  
51.87 Reamers



William Gillinwaters & wife Plff. } In ch.  
against  
Thomas Eads et al. - - - Defs. }

This cause came on again, this day to be heard, upon the bill of the plff. and exhibits filed, the answer of Thomas Eads and replication thereto; and the answer of Walker Parratt, an infant by J. A. G. Hyatt his guardian ad litem and replication thereto. And was argued by counsel, on consideration whereof and for reasons appearing to the court, ~~John A. G. Hyatt~~ James W. Orr one of the Commissioners of this Court will ascertain and report -

1<sup>st</sup> Whether or not the deed <sup>purporting to be</sup> made by Charles W. Doe and wife, to Walker L. Parratt bearing date 15<sup>th</sup> day of Aug. 1861, originally contained the name of the female plff as a joint grantee in said deed, or whether or not the word wife was used after the name of said Walker L. Parratt in said deed -

2<sup>nd</sup> Whether the deed ~~said~~ above stated was & is a true copy of the deed, as made and acknowledged by said C. W. Doe & wife to Walker L. Parratt or Walker L. Parratt & wife.

3<sup>rd</sup> ~~Said Commissioner, will ascertain and~~



3<sup>rd</sup> Whether or not said deed or any other was made by said Doe to said Parrott or wife for any other consideration than that of advancing them in life as his children & heirs at law.

4 Whether or not Walker L. Parrott in his lifetime or any other person ever erased the name of the female plff or the word wife or any other words from said deed before its recordation and after its acknowledgement.

5<sup>th</sup> He will ascertain and report at what time the female plaintiff first became advised as to the contents of said deed as shown by exhibit "A." and who has possession thereof since the death of Walker L. Parrott.

6<sup>th</sup> Whether the defendant at the time of his purchase had any knowledge or not of the claims asserted by the female plff: and if so what it was.

He will reduce this testimony of witnesses to writing, and file the same, with his report and report all facts deemed material by him or required by either party to the next term of this court and the cause is continued.



William Gillinwater

3  
14

Deer  
For account

Thomas Eads et al  
Aug. T. 1882

Entered Page 249

J. A. G. H. H. H.  
Colonel

Enter this

Sept-7 1882

chd 19



Virginia

At a Circuit Court Continued and  
held for Lee County at the Court House Sept 4<sup>th</sup> 1883.  
Wm. Gillemwaters & wife Defts }

vs  
Thomas Edds et al Defts } In Chancery

# # # # # It is adjudged ordered and  
decreed that Eli Davis, P. P. Fugate and  
Wm. O. Speak, be and the same are hereby  
appointed Commissioners, whose duty it  
shall be to go upon the land in the bill  
mentioned formerly belonging to Walker  
Parrott and lay off and assign to the  
Female Plaintiff one third in rental  
value of said land and make a plat and  
report of the same, showing the same  
fully by metes and bounds to this  
Court at some future term and  
the Cause is Continued.

A Copy Teste:—

J. A. Hyatt clerk



Wm. Gillenwaters & wife  
vs 3 Copy of Decree  
3 for Commissioners  
Thomas Eddsetal

Executed  
S. H. Ewing  
LSE

8 150  
1 20  
1 00

4 copies chd 18



Wm Gillenwaters & wife Plffs  
against } In Chancery.

Thomas Eddle et al. Dfts.  
The deposition of <sup>P. M. Ball</sup> Joseph Eddy taken before the undersigned Commissioner in Chancery in <sup>making an enquiry</sup> ~~making an enquiry~~ in said cause on this the 6th day of July 1883. the said <sup>P. M. Ball</sup> Joseph Eddy a witness of lawful age, and being first duly sworn, deposes and says, —

I saw a deed that was said to be a deed Charles W. Lee made to Walker Parrott, I read the deed then in possession of Hyram Eddens, and it was made to Walker & Parrott & Mary Parrott and heirs, is my recollection about the deed. This was I think in the early part of 1861. I don't remember whether or not it was signed by Charles W. Lee, but it purported to be a deed from him. I have just read a part of exhibit "A" with the bill, read, and it reads pretty much like the deed above referred to, except the name of Mary Parrott is not in said exhibit "A".

X Examined.

Question by Defendants Counsel. Do you recollect whether or not said deed was properly acknowledged and before whom if so please state.

Answer I do not recollect, but don't think it was.



Question by Defts Counsel. Please state the date of Walker C Paratts death if you recollect it.

Answer. It was on the 8th day of June, either in 1863 or 1864, I do not remember which year.

~~And further this deponent says not.~~  
Did you ever hear Charles W. Noe in his lifetime make any statement about the 112 acres of land - If so state what he said.  
~~Therefore~~ question is objected to by the defendant as any statement made by Charles W Noe is inadmissible.

Duncan for Deft

Answer. I heard Charles W Noe say that he had given Walker C Paratt & wife a good home, and that he intended to give to all his children a home, that he had 100 acres of land for each of them, I am myself a son-in-law of said Charles W Noe.

And further this deponent says not.

P M Ball

The said Joseph Ely a witness of lawful age and being first duly sworn deposes and says.  
I have heard exhibit A read down to where the description of the land re commences, and



I remember that on one occasion about the date called for in said Exhibit A. I was passing Charles W. Kees and Noke called to me and told me he wanted me to go to Mr. Bales & take the acknowledgments of a deed, and drew the deed from his pocket. I took the deed and read the first part of it, and asked Mr. Noe if that was a deed of gift, and he replied that made no difference. I then informed him that was a deed of bargain and sale, <sup>to Walker C. Parrell</sup> in consideration of One thousand dollars, he replied, that made no difference that he would never pay <sup>for</sup> it no how. I did go to Mr. Bales and took the acknowledgments to the deed.

X Examined by Defts Counsel.

Question by Deft. Did the name of Mary Parrell appear in the deed shown you by C. W. Kees, and was the deed shown you by said Noe the same deed which was acknowledged before you as above stated.

Answer I do not remember seeing her name in the deed, and the deed shown to me by Mr. Noe was the same deed acknowledged before me and Mr. Bales. I discovered that there was an error in the date of the deed, but did not think that would effect it.

And further this deponent saith not.

Joseph Ealy.



The said Randolph Nae a witness of lawful age and being first duly sworn, deposes & says. I am a son of Charles W. Nae, I am acquainted with the land in controversy which the ~~land~~ <sup>Deed</sup> shows to Walker B. Parrott, and said ~~land~~ <sup>land</sup>, as I understood it, was intended as an advancement to Mary Parrott, I was one of the chain carriers when the land was run off, and have heard my father say different times that he intended the land for Mary Parrott wife of Walker B. Parrott, as he intended 100 acres for each of his children, but I never saw the deed for said land.

The said Walker B. Parrott & wife claimed said land while he lived, and she has claimed it since his death until the claims and conveyances set up by her sons

X Examined

Question by Defendants Counsel.

About what time was said land run off or surveyed?

Ans. About Feb. 1859.

Question by same. Do you know to whom your father conveyed said land?

Ans. I do not.

Question by same. Is it not a fact that Mary Parrott now Mary Gillenwaters, at one or more times since the death of her former



husband Walker C Parrott has spoken of  
having down assigned to her out of said land  
claiming that she was entitled to dower in the  
whole of said Tract?

Answer I do not remember to have heard her say anything  
about it, but I understood Gillenwaters was  
so claiming.

Question by same. When did you first hear  
your sister Mrs Parrott ~~now~~ Mrs Gillenwater  
speak of the fact that said Tract of land was  
deeded to Walker C Parrott.

Answer I do not remember certainly, but think it was some  
time after the war.

Question by same. Who lived on said <sup>land</sup> at the  
time of Walker Parrotts death.

Answer. A Mr Gavin, a tenant of Walker C Parrott.

And further this deponent saith not.

Randolph L. See

Joseph Ely.

\$1.46

Rand See

.90

P. M. Ball,

.98

\$3.34

The foregoing depositions of P. M. Ball, Joseph  
Ely & Randolph See were taken subscribed  
and sworn to before me at the time & place  
and for the purposes in the caption mentioned  
Givens under my hand, July 6th 1883.

James W Orr, Comr.  
in Chancery,



William Gilman's wife

vs { Depositions.

Thos Edds et als.

Q.

Witnesses \$3.34



The Deposition of E. A. Nae a witness of  
the <sup>age of</sup> 68 years taken in a course in which  
H. J. Gillewaters and His sonary E. Gille  
waters are plaintiffs and Thomas Elders  
defendants the said cause is now pending  
in the Chancery Court of Lee County Va.

The witness E. A. Nae after being duly sworn  
deposes and says

I signed only <sup>one</sup> deed; and that  
deed was read to me as being made to Mary Gille  
waters, that deed was read to me by R. M. Bales,  
I cannot read myself,

Elizabeth, A. Nae  
mark

Virginia Lee County to wit:  
I Lee S. Fulkerson a Justice of the  
peace in and for Lee County do  
Certify that the foregoing deposition of  
Elizabeth Nae, was taken before me  
at the time & place mentioned in the  
Caption, reduced to writing and subscribed  
before me. Given under my hand  
this 14<sup>th</sup> day of July 1883.

Lee S. Fulkerson, J. P.



Wm Gillenwater & wife  
vs E. Depo  
Thos. Eddels & als.  
Recd from J. P.  
July 17th 1883.  
 Jas W Orr, Comr.

E,

Justices fee .95-cts.



Virginia, Lee county circuit court,

Wm Gillenwaters & wife Pliffs

against

Thomas Edds et als Defendants

In chy.

The undersigned who was appointed a Commissioner in this cause, on the day of September 1882, and directed to enquire and report, First. - Whether or not the deed purporting to be made by Charles W. Nae & wife to Walker C Parrott, bearing date Aug 15<sup>th</sup> 1861, originally contained the name of the female plaintiff as a joint grantee in said deed, or whether or not the word wife was used after the name of said Walker C Parrott in said deed.

Second. - Whether the deed above stated, <sup>(Exhibit A)</sup> was, and is, a true copy of the deed as made and acknowledged by said C. W. Nae & wife to Walker C Parrott, or Walker C Parrott & wife?

Third. - Whether or not said deed, or any other, was made by said Nae to said Parrott & wife for any other consideration than that of advancing them in life as his children & heirs at law.



Fourth. - Whether or not Walker C Parrott is his life time, or any other person, ever erased the name of the female plaintiff, or the word wife, or any other words, from said deed before its recordation and after its acknowledgment?

Fifth. - He will ascertain, and report, at what time the female plaintiff first became advised as to the contents of said deed, as shown by exhibit "L", and who has had possession thereof since the death of Walker C Parrott.

Sixth. - Whether the defendant at the time of his purchase had any knowledge, or not, of the claim asserted by the female plaintiff, and if so what it was. - Respectfully reports.

That after giving notice to the parties, he proceeded on the 6th day of July 1883, at the law office of Richmond Duncan & Orr, & to day, to discharge the duties and make the enquiries directed by said decree. - Your commissioner took the depositions of P. M. Ball, Joseph Ely & Randolph Mc witnesses introduced by plaintiffs, and whose



depositions are herewith filed marked "D", and the plaintiffs also took the deposition of Elizabeth A. Nae, before a Justice of the Peace, which is also filed herewith marked "E", and from the evidence and pleadings in the cause, your Commissioner is of opinion, and so reports,

*1st.* - That the deed purporting to be made by Charles W. Nae & wife to Walker B. Parrott bearing date Aug. 15<sup>th</sup> 1861, did not originally contain the name of the female plaintiff as a joint grantee in said deed, and that the word wife was not used after the name Walker B. Parrott in said deed.

The deposition of Joseph Ely, one of the Justices before whom the deed was acknowledged, shows that his recollection is very clear & distinct as to what occurred between him & Mr. Nae at the time Mr. Charles W. Nae presented the deed to him and told him he wanted him to assist in taking the acknowledgment of the deed &c, and he states that the deed shown him by Mr. Nae was the same deed acknowledged before him & Mr. Bales, & that he then & there informed Mr. Nae that that deed was a deed to Walker B. Parrott &c, And I suppose



the presumption against the wrongful act, of any person, by which the deed was in any manner altered or changed after its execution. Coupled with Mr Ely's deposition, could not be over turned by the other evidence in the cause (which does not seem to be so clear and positive as Mr Ely's) tending to prove that the female plaintiff was a joint grantee in said deed.

2nd. - Your Commissioner is of opinion that Exhibit "A" is a true copy of the deed as made and acknowledged by Charles W. Roe & wife to Walker & Parrott, and of the deed exhibited by said Roe to said Ely. Mr Ely's recollection seems to be clear & he states positively that the deed shown to him by Mr Roe was the one acknowledged before him & Mr Bales, and as before stated, he recognized it when presented to him, by Mr Roe, as being a deed to Walker & Parrott, & so informed Mr Roe.

3rd. - Your Commissioner is of opinion from the statements made by the grantor, Charles W. Roe, to Mr. Ely & from other evidence in the cause, that the



deed to Walker & Parrott was intended as an advancement to said Parrott, or to said Parrott & wife. 4th. - I do not think, the proof in the cause sustains the charge made by the plaintiffs in their bill, that Walker & Parrott, in his lifetime, erased the name of the female plaintiff, or the word wife, or any other words from said deed, nor that the said proof shows sufficiently, that any erasures were made in said deed, by any one, after its acknowledgment and before it was recorded.

5th. - It appears that the female plaintiff became first advised as to the contents of said deed, as shown by exhibit "A" sometime after the war, exact time not fixed. - See Randolph Lee's depositions.

6th. - Defendant Eddis denies, in his answer, having any knowledge whatever of the female plaintiff's claim to said land, at the time of his purchases, except as donee, and the plaintiffs have failed to show that he had such knowledge. The conclusions to which I have arrived may be erroneous, I may not have properly weighed



and applied the evidence, but the foregoing is  
my conclusions and report upon the enquiries to  
me directed. It may be that Mr & wife intended  
the land as an advancement to their daughter,  
or they may have intended it as an advance-  
ment to Parrott & wife, but be this as it may,  
I am of opinion the deed was made as sham  
by exhibit "A", and that Mr Nae intended to  
make it an advancement, by not collecting  
the purchase money mentioned therein.

Respectfully submitted.

To Dan J. Kelly, Judge re.

James W. Orr, Counr.  
August, 8th 1883.



Sept 3<sup>rd</sup> / 88

This report is accepted to be correct  
The testimony sustaining the bill as  
to payment of the amount of C. W.  
paid to W. C. Parnall & wife.

A. L. Parnall

McGillennuaters & wife  
vs. Cour's Report  
Thomas Edds et als.

Filed August 16<sup>th</sup> 1883,  
J. A. Hyatt  
Clerk

Witnesses \$ 3.34  
Sheriff Ely 1.20  
Cour. 5.00  
J. P. (Lutheran) 7.54  
95-  
10.49  
End 14



Pursuant to an Order of the Hon. Circuit Court of  
Lee County dated Sept. the 4th 1883, in the case  
of William Gillainwaters & wife Plaintiffs  
vs. Thomas Eads et als Defts. } In  
Chancery.

We Eli Davis, T. T. Hugate, and William H. Speak  
who were appointed Commissioners proceede on the 11th  
day of Feb. 1884, to survey and examine the lands in  
the Bill mentioned formerly owned by Walker Parrott  
and lay off and assign to the female plaintiff  
one third in rental value as her dower. Her said  
Dower as we have assigned it is estimated to contain  
45 acres, and is marked Dower, on the plat which  
we have filed with this report. It commences at  
Fig. 3, where a hickory once stood and runs thence  
with the outside boundary S. 52° E. 47 poles to a double  
poplar; thence N. 70° E. 33½ poles to a stake; thence  
S. 50½° E. 112 poles passing through the middle  
of a Spring to a stake; thence N. 26° E. 75 poles  
to a stake; thence leaving the outside boundary  
N. 45° W. 30 poles to a stake; thence West 160  
poles to the beginning. A plat both of the dower  
and the other two thirds of the land is hereunto  
annexed.

Respectfully Submitted,

{ Eli Davis  
Peter T. Hugate  
William H. Speak.  
Commissioners.

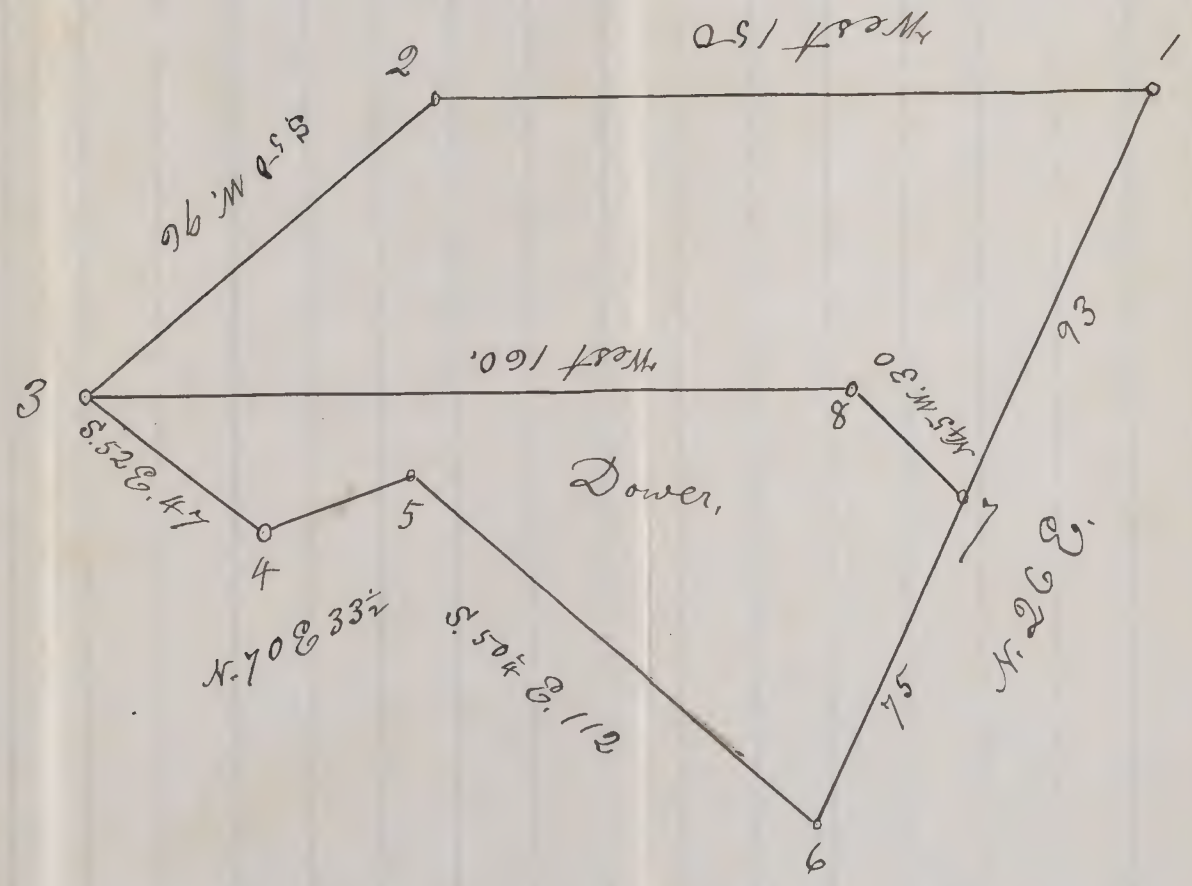


Ym Gillemwater & wife  
vs <sup>3</sup>/<sub>4</sub> Cour. Report  
Shos Edds et al

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Recd by Mail & filed  
March 14<sup>th</sup> / 884.  
J. A. Hyatt  
ck







M. Gillumwaters wife

20 3/4 Plat

Thos. Eddsetal

Filed March 14/1884

J. A. Hyatt  
clerk

Commissioners' charges.

\$3.00

1.00

1.00

5.00

Total, \$

E. Davis

J. P. Fugate

W. H. Speake



This Indenture made this 15<sup>th</sup> day of August, in the year one thousand eight hundred and sixty one, between Charles W. Lee and Amanda his wife of the county of Lee and, State of Va. of the one part and Walker C. Parrott of the county aforesaid of the other part, Witnesseth that the said C. W. Lee and Amanda C. his wife, for and in consideration of the sum of one thousand dollars to him in hand paid, the receipt whereof is hereby acknowledged hath bargained and sold and by these presents bargain and sell unto Walker C. Parrott his heirs and, assigns a certain tract or parcel of land, containing one hundred and twelve acres, bounded as follows,

Beginning at a white oak stump, corner to Bates Land, and running thence with his line 888 ft 156 poles to a chestnut stump and dogwood, thence with Codd's line 842 ft 88 poles to a hickory thence leaving Codd's line 834 ft 48 poles to a forked poplar, on an east hill above the head of a hollow thence 170 ft 33½ poles to a stake thence 830 ft 112 poles passing through the middle of a spring, to a stake in Harrison's Codd's line and with the same and Bates line to the Beginning, together with all the appurtenances, To have and to hold the said tract or parcel of land with all the appurtenances to the said W. C. Parrott and his heirs, to the sole use and behoof of him the said W. C. Parrott and his heirs, and, assigns forever, and the said C. W. Lee and Amanda C. his wife for themselves and heirs doth covenant with the said W. C. Parrott and his heirs, that he the said C. W. Lee and, Amanda C. his wife, their heirs the said tract or parcel of land with all the appurtenances unto the said W. C. Parrott and his heirs free from the claim of them the said C. W. Lee



and Amanda C. his wife, of all and every other persons whatsoever shall will and do warrant and forever defend by these presents.

In witness whereof the said C. M. Nae and Amanda C. his wife both herunto set their hands and affixed their seals the day and year first above written,

Charles M. Nae      Seal  
A. Elizabeth Nae      Seal

Lee County to wit.

We Robert M. Bates and Joseph Ely Justice of the peace for the county aforesaid in the State of Virginia, do hereby certify that Amanda C. Nae the wife of Charles M. Nae whose names are signed to the foregoing deed, bearing date on the 12th day of August 1861. personally appeared before us in our county aforesaid and being examined by us privately and apart from her husband, and having the deed aforesaid fully explained to her, she the said Amanda C. Nae acknowledged that she had willingly signed, sealed and delivered the same and wished not to retract it, Given under our hands and seals this 12th day of August 1861.

R. M. Bates      J. P.  
Joseph Ely      J. P.

Lee County to wit.

I R. M. Bates a Justice of the peace, for the county of Lee and State of Virginia do hereby certify that Charles Nae whose name is signed to the foregoing deed bearing date on the 12th day of August 1861. personally appeared before me in my county and acknowledged the same, Given under my hand this 12th day of August 1861.

R. M. Bates J. P.

Lee County Court clerk's office the 26th day of October 1861.

This Indenture of bargain and sale for land, between C. M. Nae and Elizabeth his wife of the one part, and Walker C. Parrott of the other part, was admitted to record upon the certificate of two Justices of the peace for Lee County.

Teste William S. Paul J. C.  
Attest  
Lease John R. Gibson Clerk.



Walker C. Parrott  
From Deed,

Charles H. Lee & wife

Recorded in Deed,  
Book No 15 Page 203.

Acqy

Wm. J. R. Gibson clerk

"A"

Fee for this copy 60¢  
J. R. Gibson clerk



## Notice!

Pursuant to the requirements of a decree of the Circuit Court of Lee County Virginia, rendered at the August term 1882 in the Chancery Cause of <sup>Wm</sup> Gillenwaters & wife against Thomas Eddo et als, I will on the 6th day of July 1883, at the law office of Richmond, Duncan & Orr in Janesville Va, proceed to perform the duties assigned me in said decree, at which time and place all parties interested are required to attend. Given under my hand June 19th 1883.

James W Orr, Comr.



Wm Gillenwaters wife

vs Notice

Thos Edds et als.

July 6th 1883.

Entered by deposing

Copies of the return

of Thos Edds and

Wm Gillenwaters

and sums paid by

Thos Edds and

Wm Gillenwaters

and sums paid by

Thos Edds and



# The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

WE COMMAND YOU TO SUMMON

*Thomas Cads and  
Walker Parrott*

To appear at the Clerk's office of the Circuit Court of Lee county, at the Court House, on the first Monday in *December*  
Next, to answer *a Bill in Chancery exhibited in our said*  
*Court against them by William Gillewaters and*  
*Mary Gillewaters his wife*

And have then there this writ. Witness, *J. A. Hyatt* **James W. Orr**, Clerk of our said Court at  
he Court House, this *9<sup>th</sup>* day of *November* 1881 : in the 106 year of the Commonwealth.

*J. A. Hyatt*  
Clerk.



10

Wm Gillemwater & wife

vs B. Spurrin Chy

Thomas. Cads. et al.

Decr. Rules 1881

Over looked until  
too late to execute.

Decr. 5<sup>th</sup> 1881.

Thos. S. Ely S. E. C.



# The Commonwealth of Virginia.

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*Thomas Edds and  
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To appear at the Clerk's office of the Circuit Court of Lee county, at the Court House, on the first Monday in

Next, to answer

*a bill in Chancery exhibited in our  
said Court against them by William Gillenwaters  
and Mary Gillenwaters his wife.*

And have then there this writ. Witness, *J. A. Hyatt* James W. Orr, Clerk of our said Court at  
he Court House, this <sup>5<sup>th</sup></sup> day of *December* 1881 : in the 106 year of the Commonwealth.

*J. A. Hyatt* Clerk.



(P)

Wm Gillenwaters & wife

vs <sup>3</sup> Spain Chy

Thomas Edds et al

January Rules 1882

Executed by delivering  
a Copy of the within to  
The wife of Tho<sup>s</sup> Edds and  
Explaining the same to  
~~her~~ ~~the~~ Edds not being  
at his usual Place of abode  
also by delivering a Copy  
of the same to Amable  
Edds for Walker Parrott  
and Explaining the same  
to ~~her~~ ~~the~~ not being at  
his usual place of abode  
The Decr, 17<sup>th</sup> 1881,

Tho<sup>s</sup> S. Ely, L.C.

chd 19